



NEWS RELEASE
*Office of the
United States Attorney
for the
District of Nebraska*
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August 20, 2009

United States Attorney Joe W. Stecher and the United States Department of Health and Human Services and the Federal Bureau of Investigation announce the following information for the attention of the media:

Event Triggering this Release:

Dr. Richard M. Fleming was sentenced today in Lincoln, Nebraska, by the Honorable Richard G. Kopf to five years probation with six months home detention, including electronic monitoring, and ordered to pay restitution in the amount of \$107,244.24 for the felony offenses of health care fraud and mail fraud. Fleming pled guilty to those charges on April 23, 2009. Fleming lived in Papillion, Nebraska, at the time of the crimes, and now lives in Reno, Nevada. He is currently licensed to practice medicine in Missouri and Iowa, and as a part of his plea agreement in the case he agreed to a lifetime exclusion from participation in any federally-funded health care benefit program.

A federal grand jury in Nebraska returned an indictment against Fleming on January 18, 2007, charging ten counts of health care fraud and three counts of mail and wire fraud. The health care fraud counts charged Fleming with submitting bills to insurance companies in 2002 for medical procedures, diagnostic heart tests, he had not actually performed. The mail and wire fraud counts charged Fleming with obtaining payment from a North Carolina soy food company in 2004 for product testing work he had not performed, and more specifically charged him with lying about whether he had performed the services he was paid for, and with creating and submitting false documents in order to cover up the fact that he had not done the work for which he had been paid. The case actually went to trial, which began on April 6, 2009, and the jury was deliberating on their verdict when Fleming pled guilty, admitting that he had committed both health care fraud and mail fraud.

Name of Defendant: Richard M. Fleming

AKA:

Age: 53

City of Residence: Reno, Nevada

Crime(s) Charged and Potential Penalty: Health Care Fraud - 10 years imprisonment; \$250,000 fine; 3 years term of supervised release, and \$100 special assessment. Mail Fraud - 20 years imprisonment, \$250,000 fine; 3 year term of supervised release, and \$100 special assessment.

Specific Location of Alleged Crime: Papillion, Nebraska

Location of Arrest: N/A

Alleged Dollar Loss/Type and Quantity of Drug: \$72,244.42 for the health care fraud counts, and \$35,000 for the mail fraud counts, for a total of \$107,244.42.

Others Charged in Same Scheme: None

Relevant Dates:

Date of Alleged Crime: 01/24/2002 through 10/09/2002

Federal Arrest Date: N/A

Date Complaint Issued: N/A

Indictment Returned Date: 01/18/2007

Initial Appearance Date: 03/09/2007

Plea or Trial and Date(s): 04/23/2009

Sentencing Date: 08/20/2009

Next Court Hearing Type and Date: N/A

Assigned Magistrate Judge: David Piester

Held without Bond, or Released from Custody: Released

In Continuous Custody Since:

Assigned District Court Judge: Richard G. Kopf

Initials of Assigned AUSA/Preparer of THIS Release: ALE